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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

PAUL JEFFREY VOLL, an individual,

Plaintiff,

vs.

UNITED STATES OF AMERICA, DAVID N.
KARPEL, individually, DOES 1 through 100;
and ROES 1 through 100; inclusive,

Defendants.

CASE NO.: 2:22-cv-00610-JCM-BNW

**PLAINTIFF'S MOTION FOR
EXTENSION OF TIME TO SERVE
PROCESS ON DEFENDANT DAVID N.
KARPEL**

(First Request)

Plaintiff, by and through his counsel of record, Melanie Hill with Melanie Hill Law PLLC, moves for a 60-day extension of time to serve process on Defendant David N. Karpel pursuant to Federal Rules of Civil Procedure ("FRCP") 4(i), 4(m), and 6(b)(1)(A) for good cause shown herein up to and including September 9, 2022. This is the first request to extend the service deadline.

This Motion is made and based upon the applicable Federal Rules of Civil Procedure, the memorandum of points and authorities to follow, and any oral argument that may be heard on this matter.

MEMORANDUM OF POINTS AND AUTHORITIES

On April 12, 2022, Plaintiff commenced this lawsuit against the United States of America and David N. Karpel by the filing of a Complaint [ECF No. 1]. Therefore, the deadline upon which to

1 serve all the defendants is today, July 11, 2022. Plaintiff timely served the United States on June 29,
2 2022 and also served the United States with the Summons and Complaint for Defendant David N.
3 Karpel as required pursuant to FRCP 4(i)(2) and (3) by mailing it and hand delivering it to the Nevada
4 United States' Attorneys' office on May 18, 2022. However, given that Karpel has also been sued in
5 his individual capacity, FRCP 4(i)(3) also requires that he be personally served pursuant to FRCP
6 4(e)(2).

7 Plaintiff has hired a process server who is diligently searching for a current address for
8 Defendant David N. Karpel and has run a skip trace, however the skip trace is still ongoing and has
9 not yet been completed such that a current address has been located for Karpel. Karpel is a prior
10 federal employee that it appears from the search no longer works for the federal government. Karpel's
11 address is also not listed on the state bar websites for Virginia or Washington, DC, nor the state bar
12 website for Colorado where Plaintiffs believe Karpel is currently residing.

13 Counsel for plaintiff also reached out to Glenn Greene, counsel for the United States in
14 another civil rights case arising out of the same underlying Indictment, to inquire if he will accept
15 service on behalf of David N. Karpel. Mr. Greene informed counsel that he was unaware of this case
16 and did not have authority to accept service on Mr. Karpel's behalf in this case. Given Mr. Greene
17 has authority to accept service on Mr. Karpel's behalf in two other related cases, counsel believes he
18 will be able to accept service on Mr. Karpel's behalf in this case with the requested 60-day extension.

19 Accordingly, for good cause shown, Plaintiff seeks an extension of time of up to 60 days to
20 serve process on Karpel to either allow for the acceptance of service pleading to be filed or personal
21 service to be completed on him.

22 FRCP 6(b)(1)(A) permits a party to file a motion to seek an extension of the deadline to serve
23 process before the expiration of the 90-day time period for good cause shown as follows:

24 *In General.* When an act may or must be done within a specified time, the court may,
25 for good cause, extend the time:

26 (A) with or without motion or notice if the court acts, or if a request is made, before the
27 original time or its extension expires

28 Fed. R. Civ. P. 6(b)(1)(A).

1 Here, Plaintiff has demonstrated good cause to secure an extension in which to serve
2 Defendant Karpel based on the efforts to locate him and/or obtain an agreement to accept service on
3 his behalf from counsel for the United States.

4 For good cause shown, Plaintiff requests and the court should extend the deadline for Plaintiff
5 to serve process on Defendant David N. Karpel up to and including September 9, 2022.

6 Respectfully submitted this 11th day of July, 2022.
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9 **MELANIE HILL LAW PLLC**

10 /s/ Melanie A. Hill
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19 **CERTIFICATE OF SERVICE**

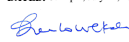
20 I hereby certify that on the 11th day of July 2022, I electronically filed **PLAINTIFF'S**
21 **MOTION FOR EXTENSION OF TIME TO SERVE PROCESS ON DAVID N. KARPEL** with
22 the Clerk of Court using the CM/ECF system, which will cause the document to be served upon the
23 following counsel of record:

24 Melanie A. Hill Melanie@MelanieHillLaw.com, tdells@cox.net

25 /s/ Melanie A. Hill
26 Melanie Hill Law PLLC

27 **ORDER**

28 Good cause shown, IT IS ORDERED that
ECF No. 4 is GRANTED.

IT IS SO ORDERED
DATED: 3:21 pm, July 12, 2022

BRENDA WEKSLER
UNITED STATES MAGISTRATE JUDGE